

Message Text

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FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 7521

C O N F I D E N T I A L LAGOS 12332

E.O. 11652: GDS

TAGS: BGEN, BINV, EINV, NI

SU'3:5: INDIGENIZATION DECREE - PFIZER AND OTHERS

REF (A) STATE 261883 (B) LAGOS 10547 (C) STATE 223868 (D) STATE 26188

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1. SINCE EMBASSY HAS NOT YET RECEIVED POUCHED COPY OF PFIZER "AIDE MEMOIRE" (PARA 3 REF B), WE HAVE NOT BEEN ABLE TO PRESENT PFIZER CASE TO FMG. NEVERTHELESS, EMBOFFS HAVE DISCUSSED IN GENERAL TERMS RECENT INDIGENIZATION WHITE PAPER AND UPCOMING DECREE WITH SEVERAL GOVERNMENT AND PRIVATE COMPANY OFFICIALS. THEIR CONSENSUS IS THAT INFORMAL DISCUSSIONS BETWEEN FOREIGN FIRM REPS AND FMG OFFICIALS WOULD NOT DO ANY HARM. THUS EMBASSY NOW ENDORSES PROPOSED PFIZER DEMARCHE ARGUING FOR AN EXCEPTION TO OR A MODIFICATION OF THE PROPOSED DECREE. STRESS HOWEVER THAT INITIAL DEMARCHE SHOULD BE LOW KEY.

2. PUBLICATION OF INDIGENIZATION DECREE HAS BEEN IMMINENT FOR TWO MONTHS. SUSPECT CONTINUING CONFUSION INHERENT IN DRAFTING SPECIFIC MEASURES IMPLEMENTING THE BROADLY WORDED INDIGENIZATION WHITE PAPER HAS BEEN CAUSE OF DELAY.

3. ALL FIRMS INCORPORATED OR ENTERING PARTNERSHIP HERE SUBJECT TO INDIGENIZATION MEASURES. QUESTION OF CATEGORIZING FIRMS INTO SCHEDULES STILL SUBJECT
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TO SOME DEBATE BECAUSE OF FUZZY WORDING OF WHITE

PAPER. SOME FIRMS, E.G., PHILLIP MORRIS, HAVE REPORTED SUCCESS IN SECURING UNOFFICIALS SCHEDULING AGREEMENTS THROUGH INFORMAL DISCUSSIONS WITH FMG.

4. EMBOFF WILL TRY TO CLARIFY THESE POINTS DURING APPOINTMENT WITH ACTING SECRETARY OF NEPB OCTOBER 29. PER REF D, EMBASSY WILL CONTACT WEST GERMAN EMBASSY AFTER NEPB APPOINTMENT TO DISCUSS INDIGENIZATION AND ITS EFFECT OF FOREIGN INVESTMENT.

5. ALTHOUGH FMG THINKING ON SPECIFIC PROVISIONS IMPLEMENTING INDIGENIZATION POLICY HAS APPARENTLY NOT YET JELLED, CONCUR WITH DEPARTMENT'S JUDGMENT THAT USG SHOULD NOW RPT NOW TAKE STEPS TO EXPRESS OUR CONCERN TO FMG OVER POTENTIAL OVERZEALOUS APPLICATION OF INDIGENIZATION POLICY. REQUEST DEPARTMENT SUPPLY GENERAL POLICY GUIDELINES USED IN SIMILAR SITUATIONS ELSEWHERE, E.G., ZAIRE. ALSO UNDERSTAND THAT SEVERAL US FIRMS HAVE COMPLAINED TO USDOC AND AF/W ABOUT NEW INDIGENIZATION POLICY. WOULD APPRECIATE A LIST OF FIRMS AND SUMMARY OF PROBLEMS CITED.
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